

REMARKS

Applicants respectfully request reconsideration of the above-identified application in view of the foregoing amendments and following remarks.

Claims 1, 3–9, 15, 17–23, 26 and 27 are pending. The Office action dated Mar. 7, 2006 (“the 3/7/06 Office action”) rejected each of these claims under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,864,408 to Kumashiro (“Kumashiro”) in view of U.S. Patent No. 5,336,976 to Webb (“Webb”) and U.S. Patent No. 5,513,018 to Nisimura (“Nisimura”). Applicants respectfully traverse this rejection.

Claims 1, 3–9, 15, and 17–23 are not obvious over Kumashiro, Webb and Nisimura.

Claim 1 recites an image reading apparatus comprising, *inter alia*:

a controller adapted to determine whether the time measured by said timer reaches the predetermined time, in a case that the predetermined time has not elapsed, control said image sensor to scan said first reference member illuminated by said light source for acquiring a coefficient for uniformly changing level of the electrical signals while said image sensor scans the plurality of original sheets which are successively supplied by said feeder, and in a case that the predetermined time has elapsed, control said image sensor to *interrupt the scanning operation of the plurality of original sheets and scan said second reference member illuminated by said light source only once for acquiring shading correction data in a main scanning direction, and then restart scanning of the remaining original sheets and scan said first reference member illuminated by said light source while said image sensor scans the remaining original sheets without scanning said second reference member.*

Similarly, method claim 15 recites the steps of:

controlling said image sensor to scan the first reference member illuminated by said light source for acquiring a coefficient for uniformly changing level of the electrical signals while said image sensor scans the plurality of

original sheets which are successively supplied by said feeder in a case that the predetermined time has not elapsed; and

controlling said image sensor *to interrupt the scanning operation of the plurality of original sheets*, scan the second reference member illuminated by said light source only once for acquiring shading correction data in a main scanning direction in a case that the predetermined time has elapsed, *then restart scanning of the remaining original sheets and scan said first reference member illuminated by said light source while said image sensor scans the remaining original sheets without scanning said second reference member.*

Kumashiro, Webb and Nisimura do not suggest an image reading apparatus having the controller recited in claim. Kumashiro is the only one of the three references to disclose two different reference members. In the embodiment shown in Figs. 3a and 3b in Kumashiro, the scanner reads second reference white plate 20 prior to the scanning of each sheet. In the embodiment shown in Figs. 6a and 6b in Kumashiro, the scanner reads the second reference white plate 20 prior to the scanning of the first sheet and reads the first reference white plate 14 prior to the scanning of subsequent sheets. Therefore the controller in Kumashiro does not read on the controller recited in claim 1.

Neither Webb nor Nisimura cure the defect in the disclosure of Kumashiro. Webb is applied solely because it allegedly teaches the concept of determining an amount of time since a scanner light source is turned on until a specified event. Nisimura is applied solely because it allegedly teaches recalibrating of a light source of a scanner only when the light amount of the light source is beyond a reference range. Without commenting further on these allegations at this point, Applicants note

that neither of these references were cited for teaching the italicized features in the paragraphs of claims 1 and 15 reproduced above. Applicants' independent review of these references confirms that neither one of these references teaches or suggests these features. Therefore, no combination of Kumashiro, Webb and Nisimura contains all of the limitations recited in claim 1. As such claims 1 and 15 are allowable. Because each of claims 3–9 and 17–23 depends from one of claims 1 and 15, these claims are also allowable.

Claims 26 and 27 are not obvious over Kumashiro, Webb and Nisimura.

Claim 26 recites an image reading apparatus comprising, *inter alia*:

a controller adapted to determine whether the time measured by said timer reaches the predetermined time and, in a case that the predetermined time has not elapsed, control said image sensor to scan the plurality of original sheets which are successively supplied by said feeder, and, in a case that the predetermined time has elapsed, control said image sensor *to interrupt the scanning operation of the plurality of original sheets*, scan said reference member illuminated by said light source *only once* for acquiring shading correction data in a main scanning direction, *and then restart scanning of the remaining original sheets without scanning said reference member*.

(Unlike claim 1, claim 26 does not recite first and second reference members). Similarly, method claim 27 recites:

controlling said image sensor to scan the plurality of original sheets which are successively supplied by said feeder in a case that the predetermined time has not elapsed; and

controlling said image sensor *to interrupt the scanning operation of the plurality of original sheets*, scan the reference member illuminated by said light source *only*

once for acquiring shading correction data and then restart scanning of the remaining original sheets without scanning said reference member, in a case that the predetermined time has elapsed.

The Office action admits that Kumashiro in view of Webb does not disclose that reference member is scanned only once for acquiring the shading correction. *3/12/06 Office action*, p. 11. The Office action alleges that Nisimura suggests this limitation. *Id.* The Office action states that the motivation for combining the teachings of Kumashiro and Webb with Nisimura “would have been to reduce the standby time of the scanner, thus reducing the amount of time it takes to scan a set of documents.” *Id.* at p. 12. Kumashiro, however, already teaches structure for reducing the amount of time it takes to scan a set of documents. Kumashiro teaches placing a reference member 14 in the read position of the image sensor 21. In lines 36–60 in col. 9 of the specification, Kumashiro teaches that this reference member can be scanned, instead of reference member 20, to cut down on the amount of time it takes to scan a set of documents, because the image sensor does not have to move an out-of-the-way position to scan the reference member 14. As such, Kumashiro teaches away from the proposed combination because according to its disclosure, the teaching of Nisimura that the Office action relies upon is unnecessary. Applicants contend that the Office action’s combination is improper and that the invention claimed in claims 26 and 27 would not have been obvious to one of ordinary skill in the art at the time the invention was made.

Finally, Applicants have not specifically addressed the rejections of the dependent claims. Applicants respectfully submit that the independent claims, from

which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicants, however, reserve the right to address such rejections of the dependent claims in the future as appropriate.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4675.

Dated: July 7, 2006

By:

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Ankur Parekh
Registration No. 56,060

Correspondence Address:

MORGAN & FINNEGANT, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile